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H.231

Introduced by Representative Rachelson of Burlington

Referred to Committee on

Date:

Subject: Crimes; sentencing; minors

Statement of purpose of bill as introduced: This bill proposes to require that when a defendant who is under 18 years of age is sentenced for a crime, the court must consider whether the child was subjected to any early childhood trauma or adverse childhood experiences as potential mitigating factors and allows the court to depart from any mandatory minimum sentence or penalty enhancement if the court finds such mitigating factors exist.

An act relating to mitigating factors in sentencing a minor for a crime

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 7046 is added to read:

§ 7046. SENTENCING A PERSON UNDER 18 YEARS OF AGE;

MITIGATING FACTORS

(a) In sentencing a person who was under 18 years of age at the time of the commission of the crime, the court shall consider the diminished culpability of children relative to adults, and whether the child was subjected to any early childhood trauma or adverse childhood experiences.

1 (b) After consideration of the mitigating circumstances as provided in
2 subsection (a) of this section, the court may deviate from any mandatory
3 minimum sentence or penalty enhancement otherwise required by law.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2021.